

**United States District Court  
Eastern District of Wisconsin (Green Bay)  
CRIMINAL DOCKET FOR CASE #: 1:24-mj-00680-JRS All Defendants**

Case title: USA v. Damian Johnston

Date Filed: 09/26/2024

Other court case number: 24-MJ-302 District of Columbia

Date Terminated: 09/26/2024

Assigned to: Magistrate Judge  
James R Sickel

**Defendant (1)****Damian Johnston***TERMINATED: 09/26/2024*represented by **Krista A Halla-Valdes**

Federal Defender Services of Wisconsin Inc

801 E Walnut St – 2nd Fl

Green Bay, WI 54301

920-430-9900

Fax: 920-430-9901

Email: [krista\\_halla-valdes@fd.org](mailto:krista_halla-valdes@fd.org)**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Federal Public Defender***Pending Counts**

18:1752(a)(1) Entering and  
Remaining in Restricted  
Building/Grounds  
(1)

18:1752(a)(2) Disorderly and  
Disruptive Conduct in a Restricted  
Building or Grounds  
(2)

40:5104(e)(2)(D) Disorderly  
Conduct in a Capitol Building  
(3)

40:5104(e)(2)(G) Parading,  
Demonstrating, or Picketing in a  
Capitol Building  
(4)

**Disposition****Highest Offense Level (Opening)**

Misdemeanor

**Terminated Counts****Disposition**

None

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

**Disposition**

None

**Plaintiff**

USA

represented by **Alexander Duros**  
United States Department of Justice  
(ED-WI)  
Office of the US Attorney  
205 Doty St – Ste 301  
Green Bay, WI 54301  
920-445-9911  
Email: [alexander.duros@usdoj.gov](mailto:alexander.duros@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
09/26/2024		Case unsealed as to Damian Johnston. (jmk) (Entered: 09/27/2024)
09/26/2024	<u>6</u>	ORDER Setting Conditions of Release signed by Magistrate Judge James R Sickel on 9/26/2024. (cc: all counsel) (Sickel, James) (Entered: 09/27/2024)
09/26/2024	<u>5</u>	WAIVER of Rule 5(c)(3) Hearings by Damian Johnston. (jmk) (Entered: 09/27/2024)
09/26/2024	<u>4</u>	Warrant Returned Executed on 9/26/24 as to Damian Johnston. (lh)
09/26/2024	<u>3</u>	TEXT ONLY ORDER APPOINTING FEDERAL PUBLIC DEFENDER for Damian Johnston: The court is satisfied that the defendant is financially unable to obtain counsel and the appointment of counsel is in the interest of justice; Krista Halla-Valdes appointed effective 9/26/2024. (cc: all counsel) (Sickel, James)
09/26/2024	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge James R Sickel: Initial Appearance in Rule 5 Proceedings as to Damian Johnston held on 9/26/2024. The court orders defendant release with conditions. Defendant to appear in the District of Columbia on October 10, 2024 at 12:30 p.m. (ET) via zoom. (Tape #092624) (jmk)
09/26/2024	<u>1</u>	Rule 5 Documents Received as to Damian Johnston from the District of Columbia in case number 24-MJ-302. (lh)
09/26/2024		Arrest Rule 5 of Damian Johnston in case number 24-MJ-302 from the District of Columbia. (lh)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA**

**INITIAL APPEARANCE  
ON RULE 5 HEARING**

v.

**DAMIAN JOHNSTON**

Case No. **24-M-680**

HONORABLE JAMES R. SICKEL, presiding  
Deputy Clerk: Joleen  
Hearing Held: September 26, 2024

Hearing Began: 11:41 a.m.  
Hearing Ended: 11:54 a.m.  
Tape Number: 092624

**Appearances:**

UNITED STATES OF AMERICA by  
DAMIAN JOHNSTON by:

Alexander Duros  
Krista A. Halla-Valdes  
☒ FDS ☐ CJA ☐ RET  
Amy Kosmoski

U.S. PROBATION OFFICE by:

Defendant appears in person.

- 
- ☒ Defendant advised of rights
  - ☒ Court orders counsel appointed
  - ☒ Copy of ☒ complaint ☐ indictment received by Defendant;  
☐ document read; ☒ further reading waived
  - ☒ Defendant advised of charges, penalties and fines

- 
- ☒ Defendant waives Identity Hearing
  - ☒ Defendant waives Preliminary Hearing
  - ☐ Defendant to be transported by the U.S. Marshal to District of Columbia  
SEE Commitment Order
  - ☒ Defendant to be released on O/R bond to appear, via zoom District of Columbia on  
October 10, 2024, at 12:30 p.m. (ET). Zoom information provided to defendant in court.  
SEE Order Setting Conditions of Release
- 

Mr. Johnston is considering retaining counsel and has not been able to do so at this time.

Mr. Duros advises the defendant of the maximum penalties:

Cts. 1 & 2: 1 yr; Probation: 5 yrs; Fine: \$100,000; SA: \$25

Cts. 3 & 4: 6 mos; Probation: 5 yrs; Fine: \$100,000; SA: \$25

The court accepts the Waiver of the Identity Hearing and Preliminary Hearing.

The court is in receipt of the Pretrial Services Report that recommends released on recognizance bond with conditions.

The parties are in agreement with the recommendation.

## UNITED STATES DISTRICT COURT

FID 11720135

for the  
District of Columbia**RECEIVED**

By USMS District of Columbia District Court at 4:04 pm, Sep 24, 2024

United States of America

v.

Damian Johnston

) Case: 1:24-mj-00302  
 ) Assigned To : Judge Zia M. Faruqui  
 ) Assign. Date : 9/24/2024  
 ) Description: COMPLAINT W/ARREST WARRANT  
 )

*Defendant***ARREST WARRANT**

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
 (name of person to be arrested) Damian Johnston,  
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment      ☐ Superseding Indictment      ☐ Information      ☐ Superseding Information      ☒ Complaint  
☐ Probation Violation Petition      ☐ Supervised Release Violation Petition      ☐ Violation Notice      ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds;  
 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;  
 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building;  
 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 09/24/2024*Issuing officer's signature*City and state: Washington, D.C.Zia M. Faruqui, U.S. Magistrate Judge*Printed name and title***Return**

This warrant was received on (date) 09/24/2024, and the person was arrested on (date) 09/26/2024  
 at (city and state) Green Bay, WI.

Date: 09/26/2024
*Arresting officer's signature*

FBI SA Bryan Sullivan  
*Printed name and title*

## UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

Case No. 24-M-680

DAMIAN JOHNSTON

*Defendant*

Charging District's Case No. 24-MJ-302

**WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)**I understand that I have been charged in another district, the District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my

- ☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 9/26/24*Defendant's signature**Signature of defendant's attorney*

KRISTA HALLA-VALDES

*Printed name of defendant's attorney*

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Wisconsin

UNITED STATES OF AMERICA )

v. )

DAMIAN JOHNSTON )

*Defendant* )

Case No. 24-M-680

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: \_\_\_\_\_

(Place)

on \_\_\_\_\_

(Date and Time)

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.



**ADDITIONAL CONDITIONS OF RELEASE**

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ☐ ) (6) The defendant is placed in the custody of: \_\_\_\_\_  
 Person or organization \_\_\_\_\_  
 Address (*only if above is an organization*) \_\_\_\_\_  
 City and state \_\_\_\_\_ Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_  
 \_\_\_\_\_ Custodian \_\_\_\_\_ Date

- ( ☒ ) (7) The defendant must:
- ( ☐ ) (a) submit to supervision by and report for supervision to the \_\_\_\_\_, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.
  - ( ☐ ) (b) continue or actively seek employment.
  - ( ☐ ) (c) continue or start an education program.
  - ( ☐ ) (d) surrender any passport to: \_\_\_\_\_
  - ( ☐ ) (e) not obtain a passport or other international travel document.
  - ( ☒ ) (f) abide by the following restrictions on personal association, residence, or travel:  
 Advise Pretrial Services of any travel within the US outside of home jurisdiction.  
No travel outside of the continental US without Court approval
  - ( ☐ ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_
  - ( ☐ ) (h) get medical or psychiatric treatment: \_\_\_\_\_
  - ( ☐ ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_
  - ( ☐ ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
  - ( ☒ ) (k) not possess a firearm, destructive device, or other weapon.
  - ( ☐ ) (l) not use alcohol ( ☐ ) at all ( ☐ ) excessively.
  - ( ☐ ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
  - ( ☐ ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
  - ( ☐ ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
  - ( ☐ ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
    - ( ☐ ) (i) **Curfew.** You are restricted to your residence every day ( ☐ ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ☐ ) as directed by the pretrial services office or supervising officer; or
    - ( ☐ ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
    - ( ☐ ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
    - ( ☐ ) (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

**Note:** Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

**ADDITIONAL CONDITIONS OF RELEASE**

- ( ☐ ) (q) submit to the following location monitoring technology and comply with its requirements as directed:
- ( ☐ ) (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
  - ( ☐ ) (ii) Voice Recognition; or
  - ( ☐ ) (iii) Radio Frequency; or
  - ( ☐ ) (iv) GPS.
- ( ☐ ) (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- ( ☒ ) (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ( ☒ ) (t) Stay away from DC unless for Court, Pretrial or consultation with attorney
- ( ☒ ) (u) Report to Pretrial Services from jurisdiction as directed and verify address if not already done so
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

9-26-24

Date of Defendant's Signature



Defendant's Signature

Appleton, WI

City and State

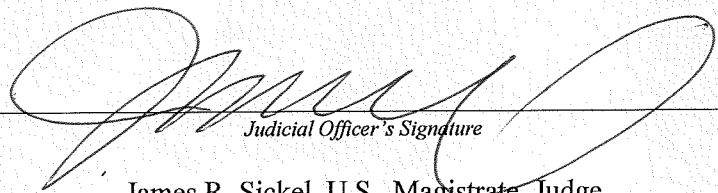
**Directions to the United States Marshal**

☐ The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant

☐ has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: September 26, 2024



Judicial Officer's Signature

James R. Sickel, U.S. Magistrate Judge

Printed name and title